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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,822	08/25/2003	Mark E. Somerville	200308976-1	2898

7590 04/26/2005

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/647,822

**Applicant(s)**

SOMERVILLE ET AL.

**Examiner**

Quoc D Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-24 and 26-32 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 16, 22, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 10-11, 16, 22, 24 and 25 are objected to because of the following informalities:  
the term “can be” is not a positive limitation. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9, 12-13, 17-20 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai et al (6,405,149).

Consider claim 1, Tsai et al teach a test tool to provide input to a media platform, comprising: a processor associated with the test tool (col. 3 lines 15-17); a memory coupled to the processor (col. 3 lines 45-50); a program executable in connection with the processor and the memory, the program to test various media platform resources (col. 3 lines 47-48; col. 4 lines 1-15); and wherein to test the various media platform resources the program can receive a number of selectable input variables, the number of selectable input variables to simulate multiple application characteristics associated with a service application on the media platform (col. 3 line 51 – col. 4 line 63).

Consider claim 2, Tsai et al teach wherein the number of selectable input variables represent configurable media platform resources (col. 3 lines 55-67).

Consider claim 3, Tsai et al teach wherein the number of selectable input variables are independently and incrementally definable (col. 5 lines 43-55).

Consider claim 4, Tsai et al teach wherein the service application includes a service application selected from the group of voice mail, interactive voice recognition (IVR) services, and dual tone multi-frequency (DTMF) applications (col. 3 lines 29-33; col. 4 lines 56-63).

Consider claim 9, Tsai et al teach media platform call simulator, comprising: a processor (col. 3 lines 15-17); a memory coupled to the processor (col. 3 lines 45-50); a program executable in connection with the processor and the memory, the program to simulate a performance of various media platform resources handling various service applications (col. 3 lines 47-48; col. 4 lines 1-15); and wherein to simulate a performance of various media platform resources handling various service applications the program receives a first number of input variables representing one or more application characteristics of one or more service applications (col. 3 line 51 – col. 4 line 63), and wherein the program receives a second number of input variables representing configurable media platform resources (col. 3 lines 55-67).

Consider claim 12, Tsai et al teach wherein first and the second number of input variables are independently and incrementally definable (col. 5 lines 43-55).

Consider claim 13, Tsai et al teach wherein the program simulates a performance of both call signaling and call media stream (col. 5 lines 25-38).

Consider claim 17, Tsai et al teach a simulation system, comprising: a processor (col. 3 lines 15-17); a memory coupled to the processor (col. 3 lines 45-50); means for simulating one or more application characteristics of one or more service applications (col. 3 lines 47-48; col. 4 lines 1-15); and means for simulating configurable media platform resources (col. 3 lines 55-67).

Consider claim 18, Tsai et al teach wherein the means for simulating one or more application characteristics of one or more service applications includes a program executable on the system to provide a number of independent input variables associated with the one or more application characteristics of one or more service applications (col. 5 lines 43-55).

Consider claim 19, Tsai et al teach wherein the means for simulating configurable media platform resources includes a program executable on the system to provide a number of independent input variables associated with configurable media platform resources (col. 3 lines 55-67).

Consider claim 20, Tsai et al teach wherein the media platform handles a number of service applications without under-utilizing the resource capability of the media platform (col. 5 lines 47-50).

Consider claim 32, Tsai et al teach a computer readable medium having a program to cause a device to perform a method that comprises: providing a number of input variables associated with signaling and media stream characteristics of a media platform (col. 3 lines 55-67); performing a test routine based on the number of input variables (col. 3 lines 1-12); and analyzing results of the testing routine to determine the performance capabilities of the media platform (col. 5 lines 11-42).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al (6,405,149) in view of Coleman (5,933,475).

Consider claim 5, Tsai et al did not suggest wherein the number of selectable input variables include a call rate, a length of response time, a message time length, a call distribution pattern, and a call duration. However, Coleman suggested such (col. 3 line 40 – col. 4 line 11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance capability of the system.

Consider claim 6, Coleman teaches wherein the call rate is variable in increments of milliseconds, and wherein each of the number of selectable input variables can cycle through multiple combinations in multiple iterations (col. 2 lines 11-42).

Consider claim 7, Tsai et al did not suggest teach wherein the various media platform resources include resources selected from the group of memory, media channels, network interconnects, processing capability, and application module resources. However, Coleman suggested such (col. 1 lines 47-59; col. 14 line 49-52). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance of the network.

Consider claim 10, Tsai et al did not suggest wherein the first number of input variables representing one or more application characteristics can define: a call distribution pattern which varies over time during a testing routine; a call duration which varies over time during a testing routine; one or more message lengths associated with different activities in a particular service application; and one or more length of response times associated with the different activities of a

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particular service application. However, Coleman suggested such (col. 3 line 40 – col. 4 line 11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance capability of the system.

Consider claim 11, Tsai et al did not suggest wherein the second number of input variables representing configurable media platform resources can define: a number of available media channels; an amount of processing resources; a number of network connections; and an amount of memory resources. However, Coleman suggested such (col. 1 lines 47-59; col. 14 line 49-52). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance of the network.

6. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al (6,405,149) in view of Liese et al (6,425,096).

Consider claim 14, Tsai et al did not suggest wherein the program simulates the performance of both call signaling and call media stream across multiple T1 media cards and at least a thousand DS0s. However, Liese et al suggested such (col. 9 lines 56-63). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Liese et al into view of Tsai et al in order to validate the performance of the network.

7. Claims 15, 21-24, 26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al (6,405,149) in view of Fitch (5,633,909).

Consider claim 15, Tsai et al did not suggest wherein the program outputs categorized performance report data. However, Fitch suggested such (col. 3 lines 34-40). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Fitch into view of Tsai et al in order to better manage test results.

Consider claim 21, Tsai et al teach a method for testing a media platform, comprising: selecting a number of scalable variables to define one or more application characteristics for different service applications (col. 3 lines 55-67); executing a testing routine which implements the selected number of scalable variables (col. 3 lines 1-12); measuring the performance of various media platform resources while executing the testing routine; analyzing the measured performance (col. 5 lines 11-42).

Tsai et al did not suggest providing categorized performance report data. However, Fitch suggested such (col. 3 lines 34-40). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Fitch into view of Tsai et al in order to better manage test results.

Consider claim 22, Tsai et al teach wherein selecting a number of scalable variables to define one or more application characteristics includes: independently and incrementally defining the number of scalable variables such that multiple increments can be defined for each of the number of variables (col. 5 lines 43-55); and cycling through multiple combinations of the incrementally defined number of scalable variables in multiple iterations while executing the testing routine (col. 4 lines 11-31).



Consider claim 23, Tsai et al teach wherein executing a testing routine includes executing a repeatable testing routine useable for a number of different service applications and executing a variable testing routine based on the number of scalable variables (col. 5 line 57 – col. 6 line 2).

Consider claim 24, Tsai et al teach wherein a different set of the number of scalable variables can be associated with the different service applications, and wherein the different service applications can be selected from a memory (col. 3 lines 55-67).

Consider claim 26, Tsai et al teach a method for testing a media platform, comprising: providing a first number of input variables representing one or more application characteristics of one or more enhance service applications (col. 3 line 51 – col. 4 line 63); providing a second number of input variables representing configurable media platform resources (col. 3 lines 55-67); performing a simulation, based on the first and the second input variables, to measure a performance of a media platform handling the one or more service applications thereon (col. 3 lines 1-12); analyzing results from the performed simulation (col. 5 lines 11-42).

Tsai et al did not suggest providing performance report data based on a number of categorized input data. However, Fitch suggested such (col. 3 lines 34-40). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Fitch into view of Tsai et al in order to better manage test results.

Consider claim 29, Tsai et al teach wherein performing a simulation based on the first and the second input variables includes measuring simulation interactions of the one or more service applications according to configurable media platform resources (col. 5 lines 11-42).

Consider claim 30, Tsai et al teach wherein analyzing results from the performed simulation includes analyzing an impact on a particular set of media platform resources when running one or more service applications (col. 5 lines 11-42).

Consider claim 31, Tsai et al teach wherein analyzing results from the performed simulation includes analyzing an impact of the characteristics from one service application on a performance of another service application for the particular set of media platform resources (col. 5 lines 11-42).

8. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al (6,405,149) in view of Fitch (5,633,909) and further in view of Coleman (5,933,475).

Consider claim 27, Tsai et al and Fitch did not suggest wherein providing a first number of input variables representing one or more application characteristics of one or more service applications includes providing a first number of input variables selected from the group of: a variable number of available media channels; a variable amount of processing resources; a variable amount of network connections; and a variable amount of memory resources. However, Coleman suggested such (col. 1 lines 47-59; col. 14 line 49-52). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance of the network.

Consider claim 28, Tsai et al and Fitch did not suggest wherein providing a second number of input variables representing configurable media platform resources includes providing a second number of variables selected from the group of: a call rate which varies over time during a testing routine; a call duration which varies over time during a testing routine; variable

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message lengths associated with different activities in a particular service application; and a variable length of response time associated with the different activities of a particular service application. However, Coleman suggested such (col. 3 line 40 – col. 4 line 11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Coleman into view of Tsai et al in order to validate the performance capability of the system.

9. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al (6,405,149) in view of Coleman (5,933,475) and further in view of Liese et al (6,425,096).

Consider claim 8, Tsai et al and Coleman did not suggest wherein the media channels include media channels in a T1 or E1 media card. However, Liese et al suggested such (col. 9 lines 56-63). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Liese et al into view of Tsai et al and Coleman in order to validate the performance of the network.

#### ***Allowable Subject Matter***

10. Claims 16 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents

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P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

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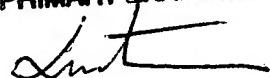
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and SATURDAY from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

**QUOCTRAN**  
**PRIMARY EXAMINER**



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April 19, 2005